

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PETER M. BERGNA,

Petitioner,

vs.

JAMES BENEDETTI, *et al.*

Respondents.

3:10-cv-00389-RCJ-WGC

ORDER

This represented habeas matter comes before the Court for initial review of the amended petition (#55).

It appears at least on a preliminary review that the current amended petition carries forward unchanged the claims from the prior amended petition, except for the abandoned unexhausted Ground 9. Based on that assumption, the matter appears postured for the filing of an answer and reply, with the understanding that a final resolution of the procedural default issues as to Grounds 1, 3 and 4 has been deferred to the final dispositive order. See #40, at 11.

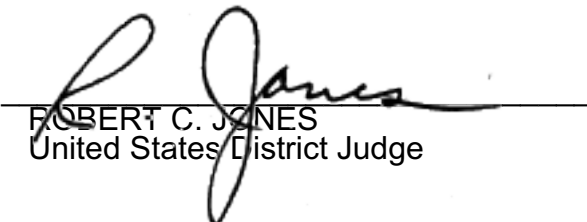
While respondents are preparing their answer, the Court would prefer that petitioner explicitly verify the allegations of the current amended petition. It perhaps might be argued that the verification of the prior amended petition (#29) and the notice (#56) filed with the amended petition suffice. However, the better practice would be for petitioner to file a verification of the current amended petition in which he declares under penalty of perjury that the allegations therein are true and correct of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.

1 IT THEREFORE IS ORDERED that, within **thirty (30) days** of entry of this order,
2 petitioner shall file a verification of the current amended petition (#55) as outlined in the text
3 of this order.

4 IT FURTHER IS ORDERED that, within **sixty (60) days** of entry of this order,
5 respondents shall file an answer to all remaining claims on the merits, including Grounds 1,
6 3 and 4, along with any further associated briefing as to the procedural default defense raised
7 as to those claims. See #40, at 4-6 & 11.

8 IT FURTHER IS ORDERED that petitioner shall have **thirty (30) days** from service of
9 the answer within which to file a reply.

10 DATED: April 15, 2014.

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14 ROBERT C. JONES
15 United States District Judge
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